

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Kenneth Dale Siemens and  
Janis Mae Siemens,

Complainants,

vs.

Union Pacific Railroad Company,

Defendant.

Case 01-12-047

**ADMINISTRATIVE LAW JUDGE'S RULING  
RECALENDARING CASE AS A REGULAR COMPLAINT**

This Complaint was filed under the Commission's Expedited Complaint Procedure pursuant to Rule 13.2 of the Rules of Practice and Procedure. By letter dated January 8, 2002, Union Pacific Railroad Company (Union Pacific) points out that Rule 13.2 makes no mention of railroad corporations, and the Expedited Complaint Procedure has never been employed in a railroad safety case.

I have reviewed the Complaint and conclude that this matter should not be handled under the Commission's Expedited Complaint Procedure. Public Utilities Code § 1702.1(a) reads in part:

“ . . . However, when the public interest so requires, the commission or presiding officer may, at any time prior to the filing of a decision, terminate the expedited complaint procedure and recalendar the matter for hearing under the commission's regular procedure.”

I believe the public interest will be best served if a full and complete record, including a hearing transcript, is prepared in this proceeding. Thereby, the Commission would avoid the need for a new hearing in the event there is an Application for Rehearing. Therefore, this proceeding should be recalendared as a regular complaint case.

Also, in its January 8, 2002 letter, Union Pacific raises the issue of the Commission's jurisdiction in this matter. The issue of jurisdiction needs to be addressed prior to hearing. Therefore, the hearing scheduled for February 7, 2002, should be postponed pending a ruling on the jurisdiction issue.

**IT IS RULED** that:

1. This proceeding shall be recalendared as a regular complaint case.
2. The hearing scheduled for 9:00 a.m. on February 7, 2002, is postponed.
3. Union Pacific Railroad Company shall file its answer to the complaint and its motion regarding jurisdiction no later than Wednesday, February 6, 2002.

Dated January 10, 2002, at San Francisco, California.

/s/ Bertram D. Patrick  
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Bertram D. Patrick  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Recalendaring Case As A Regular Complaint Case on all parties of record in this proceeding or their attorneys of record.

Dated January 10, 2002, at San Francisco, California.

/s/ Antonina V. Swansen  
Antonina V. Swansen

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

